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OFFICE OF PETITIONS

In re Application of :
James, et al. :
Application No. 10/723,933 : DECISION ON PETITION
Filed: November 26, 2003 :
Attorney Docket No. 014811-205.108 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed August 8, 2007, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 due to petitioner's contention that no petition fee should be charged.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID DISCLOSURES", mailed November 16, 2006. This Office action set an extendable period for reply of one (1) month. The Office mailed a Notice of Abandonment on July 24, 2007, stating that no reply had been received.

A review of the application file reveals the presence of response to the Notice, filed on February 15, 2007, and made timely by obtaining a two month extension of time. In addition, the reply appears to be *bona fide*. Accordingly, it is concluded that that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Office of Patent Application Processing for consideration of the reply February 15, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions